

**RICHARD J. HAYES, JR.**

ATTORNEY AT LAW

13809 BLACK MEADOW ROAD  
GREENWOOD PLANTATION  
SPOTSYLVANIA, VIRGINIA 22553

PRACTICE LIMITED TO MATTERS BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

**ORIGINAL**

**DOCKET FILE COPY ORIGINAL**

ADMITTED IN GEORGIA  
INTERNET: rjhayes@aol.com

TELEPHONE: (540) 972-2690  
FACSIMILE: (540) 972-1309

January 31, 1997

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED

FEB 3 1997

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RE: Petition to Amend the FM Table of Allotments (73.202(b))  
Camdenton Community Broadcasters, Petitioner  
Camdenton, Missouri

Dear Mr. Caton:

Transmitted herewith, on behalf of Camdenton Community Broadcasters, through counsel, is an original and six (6) copies of a "Petition to Amend the FM Table of Allotments" (47 C.F.R. 73.202(b)).

Camdenton Community Broadcasters requests Commission consideration regarding the addition of a new, first local FM broadcast service at Camdenton, Missouri.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,

By: Richard J. Hayes, Jr.

Richard J. Hayes, Jr., Esquire

Counsel to: Camdenton Community Broadcasters

RJH:tb  
Enclosures

No. of Copies rec'd  
List ABCDE

026

MMB

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON DC 20554**

**RECEIVED**

**FEB 3 1997**

**FEDERAL COMMUNICATIONS  
OFFICE SECRETARY**

**IN THE MATTER OF:**

**AMENDMENT OF SECTION 73.202(B)  
TABLE OF ALLOTMENTS  
FM BROADCAST STATIONS  
CAMDENTON, MISSOURI**

)  
)  
)  
)

**BC DOCKET NO.:** \_\_\_\_\_  
**RM No.:** \_\_\_\_\_

**TO: CHIEF, ALLOCATIONS BRANCH**

**PETITION FOR RULE MAKING**

COMES NOW, Camdenton Community Broadcasters, through counsel, and pursuant to the provisions of Section 1.401 of the Commission's Rules (47 C.F.R. 1.401 requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Camdenton Community Broadcasters hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to include a new, first local broadcast service at Camdenton, Missouri on Channel 265A. Camdenton Community Broadcasters requests that the FM Table of Allotments be amended, as follows:

<b>Location</b>	<b>Present</b>	<b>Proposed</b>
Camdenton, Missouri	-----	265A

**CAMDENTON COMMUNITY BROADCASTERS**  
**PETITION FOR RULE MAKING**  
**PAGE TWO**

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

**I. PRELIMINARY STATEMENT**

**A. First, Local Broadcast Service**

The purpose of this request is to provide a much needed, first local broadcast service to the community of Camdenton, Missouri. At present, Camdenton, Missouri does not enjoy the service of either an AM or FM facility within its community. The Petitioner proposes that the Commission amend the FM Table of Allotments to allot Channel 265A to Camdenton, Missouri as that community's first, local broadcast service.

Camdenton is a rapidly growing community with a progressive business attitude. Located in Camden County in central Missouri, Camdenton has a population of 2,561 persons and is the county seat of Camden County which has a population of 27,495 persons according to the 1990 US Census.

The proposed FM facility will serve all of the citizens of Camdenton and will encompass an area of 2,530 square kilometers. The total number of persons to be served by the proposed facility will be 37,250 from the reference coordinates. Clearly, this proposed facility will provide new FM service to a substantial population and will further the Commission's goal of diversity of expression in the marketplace.

**CAMDENTON COMMUNITY BROADCASTERS**  
**PETITION FOR RULE MAKING**  
**PAGE THREE**

Camdenton is a bona fide community. It has its own governing body, fire department, police department and library. Camdenton has its own elementary schools and its own high schools and a vocational-technical school. Camdenton has a Chamber of Commerce and a thriving business community composed of a wide variety of retail establishments. .

**B. Efficient Utilization of FM Spectrum**

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing a first, local broadcast service at Camdenton, Missouri. The Amendment of Section 73.202(b) of the Commission's rules to include Channel 265A at Camdenton, Missouri, would provide coverage to a substantial area and population. Certainly, the citizens of Camdenton and, additionally, those citizens in the predicted 1mV/m contour of the proposed facility, would benefit from a first, full time, local broadcast service. No other person or community has expressed any interest in this channel at Camdenton, Missouri.

**II. ENGINEERING CONSIDERATIONS**

**A. Substantial Area to Receive Additional Service**

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that Channel 265A would provide city-grade coverage to Camdenton, Missouri. Channel 265A could be allotted, consistent with the mileage separation and city-grade service

**CAMDENTON COMMUNITY BROADCASTERS**  
**PETITION FOR RULE MAKING**  
**PAGE FOUR**

requirements of the Commission's rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 265A can be added to the FM Table of Allotments at Camdenton, Missouri without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted.

**III. PETITIONER'S INTENTION TO APPLY FOR CHANNEL 265A**

If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the rules of the Commission, to file an application for a construction permit, and if awarded the permit, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

**IV. SUMMARY**


No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and, furthermore, a substantial new area of service will be added. As indicated above, a grant of this "Petition" will provide a much needed, first, local broadcast service to Camdenton, Missouri. This "Petition" would, if granted, provide for an efficient utilization of broadcast resources.

**CAMDENTON COMMUNITY BROADCASTERS**  
**PETITION FOR RULE MAKING**  
**PAGE SIX**

Therefore, in view of the foregoing facts, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to allot FM Channel 265A to Camdenton, Missouri.

Respectfully submitted,

CAMDENTON COMMUNITY BROADCASTERS

By:   
Richard J. Hayes, Jr., Esquire  
Its Attorney

Date: January 30, 1997

Richard J. Hayes, Jr., Esquire  
13809 Black Meadow Road  
Spotsylvania, Virginia 22553  
(540) 972-2690



**CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES**

**8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338**

**ENGINEERING STATEMENT ON BEHALF OF  
CAMDENTON COMMUNITY BROADCASTERS  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CAMDENTON, MISSOURI**



CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF  
CAMDENTON COMMUNITY BROADCASTERS  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CAMDENTON, MISSOURI**

Owl Engineering, Inc. has been retained by Camdenton Community Broadcasters (hereinafter CCB) to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Camdenton, MO	None	265A

The reference coordinates for Camdenton used in this study are:

38° 02' 00" North Latitude  
92° 44' 20" West Longitude

These coordinates represent a site restriction 3 kilometers to the north of Camdenton. The community of Camdenton has a population of 2,561 persons based on 1990 US Census data.

An engineering study was performed to determine compliance with FCC Rule Section 73.207 regarding the Commission's minimum mileage spacing requirements. Included as Engineering Exhibit E-1 is a channel allocation study based on the reference coordinates listed above. As can be seen from this exhibit, CCB's proposal is in complete conformance with FCC Rule Section 73.207. There will be a wide area of land to select a suitable transmitter site from in order to satisfy the Commission's minimum mileage spacing requirements and FAA concerns.





CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF  
CAMDENTON COMMUNITY BROADCASTERS  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CAMDENTON, MISSOURI**

Further analysis was performed to determine compliance with FCC Rule Section 73.315 regarding City Grade (70 dBu) service to the community of Camdenton. The effective antenna height for each of the eight standard 45-degree spaced radials along with the radial through the principal community was used in conjunction with the F(50,50) metric curves of Figure 1 of Section 73.333 of the Rules to determine the distances to the 70 dBu coverage contour. The contours drawn from the data are depicted on the map in figure E-2. As is readily evident, all of Camdenton is included within the proposed 70 dBu coverage contour as required by the rules. The radial drawn through the principal community is depicted on the profile plot in Engineering Exhibit E-3. This permitted a determination to be made that there are no major obstructions in the intervening path from the transmitter site to the principal community.

An engineering study was performed to determine the number of persons predicted to be served by a Class A facility located at the reference coordinates. The 60 dBu contour was calculated for maximized Class A facilities and is shown in Engineering Exhibit E-2. A maximized Class A facility located at the reference coordinates would serve a population of 37,520 persons encompassed in an area of 2,530 km<sup>2</sup>. The actual number of persons and area served will depend on the final tower location authorized.



CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF  
CAMDENTON COMMUNITY BROADCASTERS  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CAMDENTON, MISSOURI**

**CONCLUSIONS**

Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Camdenton with a first local full time broadcast service.
2. Based on 1990 US Census data, 37,520 persons will be served by a signal of 60 dBu or greater from the reference coordinates.
3. The proposal meets the requirements of FCC Rule Section 73.315.
4. The proposal meets the requirements of FCC Rule Section 73.207.



CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338

**ENGINEERING STATEMENT ON BEHALF OF  
CAMDENTON COMMUNITY BROADCASTERS  
IN SUPPORT OF A PETITION TO AMEND  
THE FM TABLE OF ALLOTMENTS  
CAMDENTON, MISSOURI**

**AFFIDAVIT**

RAMSEY COUNTY )  
STATE OF MINNESOTA )

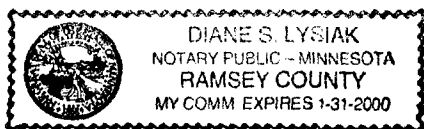
**ss:**

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Blaine, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



Michael W. Radovich, P.E.

Subscribed and sworn to before me this date January 23, 1997



Diane S. Lysiak  
Notary Public

My commission expires January 31, 2000



CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449  
(612) 785-4115 • Fax (612) 785-4631  
1-800-797-1338

## ENGINEERING EXHIBIT E-1

### CHANNEL ALLOCATION STUDY

FM Channel 265-A (100.9 MHz)

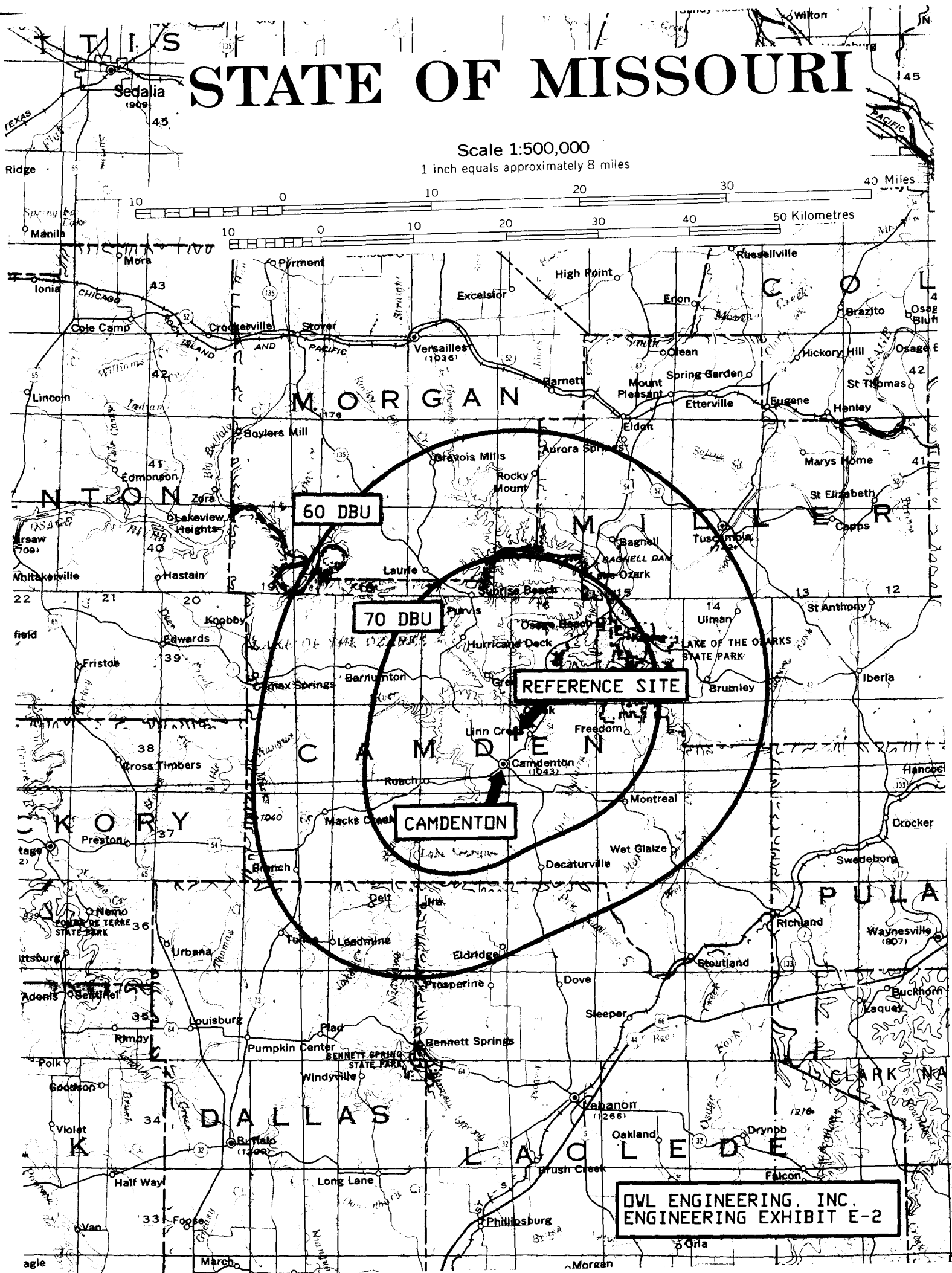
LATITUDE: 38 02' 00"  
LONGITUDE: 92 44' 20"

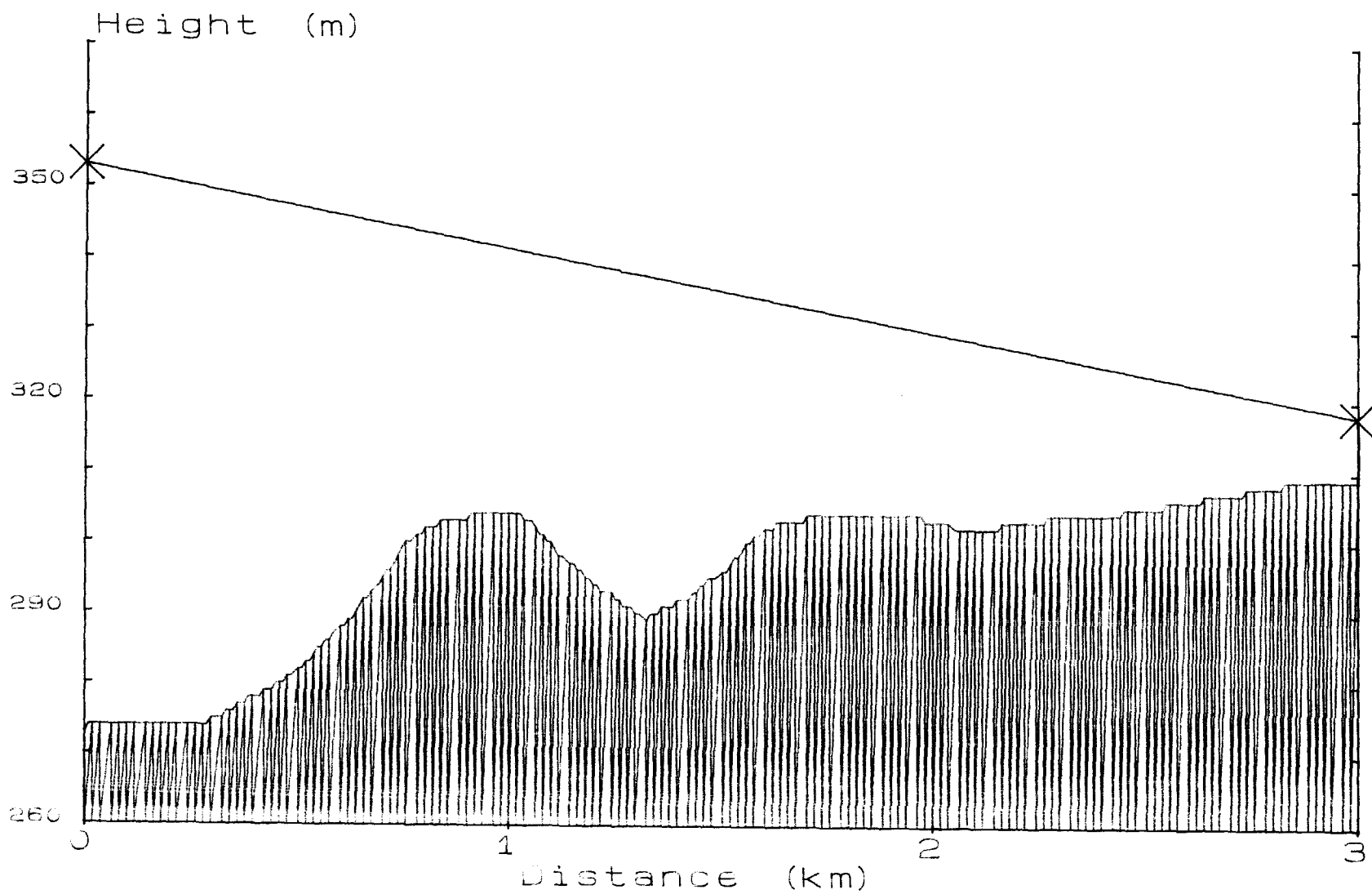
CHNL	Call Status	City Owner	Class	Calculated Km.	Required Km.	Clear- ance	Bearing degrees
211	NO	CONFLICT					
212	NO	CONFLICT					
262	NO	CONFLICT					
263	NO	CONFLICT					
264		FAMO Carrollton	C1	162.09	133	29.09	336.40
	USED		39 22' 5"	93 29' 40"			
264	KMZU	FMMO Carrollton	C1	158.87	133	25.87	338.95
	LIC	Kanza, Inc.	39 21' 59"	93 24' 12"		BLH900917KA	
265	KTUIFM	FMMO Sullivan	A	137.30	115	22.30	81.98
	LIC	Four Rivers Broadcas	38 11' 42"	91 11' 12"		BLH810223AG	
265		FAMO Sullivan	A	137.30	115	22.30	81.98
	USED		38 11' 42"	91 11' 12"			
266	NO	CONFLICT					
267		FAMO Springfield	C	94.69	95	-0.31	190.52
	USED		37 11' 40"	92 56' 4"			
267	KTXR	FMMO Springfield	C	94.69	95	-0.31	190.52
	LIC	Stereo Broadcasting,	37 11' 40"	92 56' 4"		BLH920625KB	
268	KPLA	FMMO Columbia	C2	215 92.61	55	37.61	24.50
	CP	Columbia FM, Inc.	38 47' 28"	92 17' 43"		BPH890921ID	
*To Channel 268C1 per D89-558-From Channel 269A per D86-103							
302 License application filed 920304							
268	KPLA	FMMO Columbia	C1	215 103.53	75	28.53	23.40
	APP	Columbia FM, Inc.	38 53' 16"	92 15' 48"		BPH930813IC	
From Channel 268C2 per D89-558							
268		FAMO Columbia	C1	116.30	75	41.30	13.82
	VACANT		39 3' 0"	92 25' 0"			

# STATE OF MISSOURI

Scale 1:500,000

1 inch equals approximately 8 miles





Profile Study for Camdenton, MO

Owl Engineering, Inc.  
8899 Hastings St. NE

Minneapolis Minnesota  
(612) 785-4115

Engineering Exhibit E-3

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON DC 20554**

**IN THE MATTER OF:**

**AMENDMENT OF SECTION 73.202(b)  
TABLE OF ALLOTMENTS  
FM BROADCAST STATIONS  
CAMDENTON, MISSOURI**

)  
) **MM DOCKET No.:** \_\_\_\_\_  
) **RM No.:** \_\_\_\_\_  
)

**NOTICE OF PROPOSED RULE MAKING**

**Adopted:**

**Released:**

By the Chief, Policy and Rules Division:

Comment Date: \_\_\_\_\_  
Reply Comment Date: \_\_\_\_\_

By the Chief, Allocations Branch:

1. The Commission considers herein a petition for rule making filed on behalf of Camdenton Community Broadcasters ("Petitioner") seeking the allotment of channel 265A Camdenton, Missouri as that community's first local aural transmission service. Petitioner stated its intention to apply for Channel 265A if it is allotted to Camdenton, as requested.

2. A staff analysis of the proposal indicates that Channel 265A can be allotted to the incorporated community of Camdenton (population 2,561), in conformity with the requirements of Section 73.207 of the Commission's Rules. The Petitioner provided a reference site at 38-02-00 North Latitude and 92-44-20 West Longitude which conforms with the Commission's city-grade service and minimum mileage separation requirements without the imposition of a site restriction.

**Notice of Proposed Rule Making**  
**Page Two**

---

3. Based upon the interest expressed in providing a first local aural transmission service Camdenton, Missouri, we will propose to allot Channel 265A to that community, as requested. Therefore, we will seek comments on the proposed amendment to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to include Camdenton, Missouri, as follows:

City	Channel No.	
	Present	Proposed
Camdenton, Missouri	-----	265A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before \_\_\_\_\_, and reply comments on or before \_\_\_\_\_, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner's counsel, as follows:

Richard J. Hayes, Jr.  
Attorney at Law  
13809 Black Meadow Road  
Spotsylvania, Virginia 22553

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

7. For further information concerning this proceeding, contact \_\_\_\_\_, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes



**Notice of Proposed Rule Making**  
**Page Three**

---

an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

APPENDIX

MM Docket No. 97-32 - RM-8931

1. Pursuant to authority contained in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

**Notice of Proposed Rule Making**  
**Page Four**

---

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room 239), at its headquarters, 1919 M Street, N.W., Washington, D.C.